



3. Venue in this District is proper in that the Defendant transacts business in the Commonwealth of Pennsylvania.

### **III. PARTIES**

4. Plaintiff, Timothy Lovejoy, is an adult individual and citizen of the State of Georgia, residing at 330 Arrowhead Boulevard, Jonesboro, Georgia 30236.

5. Defendant, Penncro Associates, Inc. ("Defendant"), at all times relevant hereto, is and was a corporation engaged in the business of collecting debt within the Commonwealth of Pennsylvania with its principal place of business located at 95 James Way, Suite 113, Southampton, Pennsylvania 18966.

6. Defendant is engaged in the collection of debts from consumers using the mail. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6).

### **IV. FACTUAL ALLEGATIONS**

7. Plaintiff has recently started receiving a series of harassing telephone calls from defendant relative to the collection of a consumer debt.

8. Plaintiff has explained on numerous occasions he is presently unemployed, whereupon defendant's representatives condescendingly ask him, "Well are you even looking for a job?"

9. When plaintiff tells defendant's representatives to stop harassing him with constant telephone calls, plaintiff is told "We can call as much as we want".

10. When plaintiff tells defendant's representatives to stop contacting him on Sundays, because he is with his family, they tell him, "We can call anytime we want".

11. Defendant's rude, abusive, demeaning and harassing calls to plaintiff are a violation of the FDCPA.

**COUNT I**

**FDCPA VIOLATION 15 U.S.C. § 1692 et seq.**

12. The above paragraphs are hereby incorporated herein by reference.

13. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

a. 15 U.S.C. 1692e(10), in that Defendant used false representations or deceptive means to collect or attempt to collect the alleged debt as stated more clearly above.

b. 15 U.S.C. 1692e(11), in that Defendant failed to state in a series of telephone calls that it was a debt collector attempting to collect a debt and that any information obtained would be used for that purpose.

c. 15 U.S.C. 1692d, in that Defendant engaged in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff in connection with the collection of a debt.

14. As a result of the foregoing violations of the FDCPA, Defendant is liable to Plaintiff for a declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, attorney's fees and costs and other appropriate relief, pursuant to 73 P.S. § 201-9.2.

**WHEREFORE**, Plaintiff respectfully requests that this court enter judgment in their favor and against Defendant and Order the following relief:

- a. Declaratory judgment that the Defendant's conduct violated the FDCPA;
- b. Actual damages;
- c. Statutory damages pursuant to 15 U.S.C. §1692k;
- d. Reasonable attorney's fees and costs of suit pursuant to 15 U.S.C. §1692k;

and

e. Such addition and further relief as may be appropriate or that the interests of justice require.

**V. JURY DEMAND**

Plaintiff hereby demands a jury trial as to all issues herein.

**Respectfully submitted,**

**WARREN, VULLINGS & VASSALLO, LLP**

**Date: 2/13/08**

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